



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

COMMITTEE ON PUBLIC SAFETY AND ECONOMIC DEVELOPMENT

Voting Members:

Carol Fukunaga, Chair
Kymberly Marcos Pine, Vice Chair
Ikaika Anderson
Stanley Chang
Breene Harimoto

MINUTES

REGULAR MEETING
TUESDAY, FEBRUARY 4, 2014

COUNCIL COMMITTEE MEETING ROOM
2ND FLOOR, HONOLULU HALE
HONOLULU, HAWAII 96813

Note: The video of the full proceedings of this meeting can be viewed at <http://honolulucountyhi.igfm2.com> or a copy of the video may be requested by calling the City Clerk's Office at 768-5822.

CALL TO ORDER

The regular meeting of the Committee on Public Safety and Economic Development was called to order by Committee Chair Carol Fukunaga at 9:01 a.m. Voting Members Anderson, Chang, Harimoto and Pine were present at the meeting.

STAFF PRESENT

Linda Oamilda, Senior Legislative Aide to Committee Chair Fukunaga
Lori Hiraoka, Attorney, Office of Council Services
Andrew Sekine, Analyst, Office of Council Services
Duane Pang, Deputy Corporation Counsel, Department of the Corporation Counsel,
assigned to the Committee
Gail Murayama, Council Committee Aide, Office of the City Clerk

ORDER OF BUSINESS

APPROVAL OF MINUTES

The minutes of the Committee on Public Safety and Economic Development meeting of January 14, 2014 were approved as circulated.

AYES: ANDERSON, HARIMOTO, PINE, FUKUNAGA – 4.

NOES: None.

EXCUSED: CHANG – 1.

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Committee Chair Fukunaga announced that the Committee would be taking Item 5 – Bill 3 (2014) out of order.

FOR ACTION

5. BILL 3 (2014)

NUISANCES ON PUBLIC SIDEWALKS. Authorizing the summary removal of public nuisances from sidewalks by the chief of police.

Administration/Others

Major Cary Okimoto, District 6, Honolulu Police Department (HPD)

There was no public testimony.

Committee Member Anderson remarked that Bill 3 was introduced to continue the Council's efforts to work with the Administration to provide clear and free access to public sidewalks. The Committee Member stated that the Bill would authorize one additional City agency to help maintain pedestrian access to public sidewalks.

Major Okimoto testified in opposition to the Bill. The Major stated that the HPD has neither the staffing needed to recover, nor the facilities needed to store confiscated property. He further noted that tasking police officers with removing stored property would negatively impact police service.

In response to Committee Member Anderson's inquiry regarding suggested amendments that would allow the HPD to work with other agencies in removing sidewalk nuisances, Major Okimoto stated that the HPD already assists the Department of Facility Maintenance during the enforcement of the current stored property ordinance by ensuring the safety of City staff, service agencies, and the public.

Committee Chair Fukunaga recommended that Bill 3 be deferred to allow the introducer and other parties to work on the Bill.

Committee Member Anderson concurred with the Committee Chair's recommendation, and noted that he would work with the HPD to come up with feasible amendments.

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Action on Bill 3 (2014) deferred.

AYES: ANDERSON, CHANG, HARIMOTO, PINE, FUKUNAGA – 5.
NOES: None.

Related communications:

D-64	Honolulu Police Department (oppose)
M-133	Teri Heede (oppose)
M-133	Shannon Rudolph (comments)
M-135	Chu Lan Shubert-Kwock (support)
M-136	Lucia You (oppose)
M-137	Dave Kisor (comments) (submitted after the meeting)

At this juncture, Committee Chair Fukunaga returned to the order of the agenda.

1. RESOLUTION 14-17 – COMMITTEE REPORT 26

REAPPOINTMENT OF MARC C. TILKER TO SERVE ON THE POLICE COMMISSION. Confirming the reappointment of Marc C. Tilker as a member of the Police Commission for a term to expire on December 31, 2018.

Administration/Others

Marc C. Tilker, appointee

There was no public testimony.

Mr. Tilker provided a brief summary of his work with the Police Commission. He noted that the Honolulu Police Department (HPD) is constantly changing and adapting to advances in technology and thanked the Council for its continued support of the HPD.

Committee Member Chang noted that he filed a Disclosure of Interest statement for Resolution 14-17. (CC-17)

Resolution 14-17 reported out for adoption.

AYES: ANDERSON, CHANG, HARIMOTO, PINE, FUKUNAGA – 5.
NOES: None.

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Related communication:

MM-179 Mayor Kirk Caldwell, requesting Council's confirmation of
(2013) Marc C. Tilker as a member of the Police Commission.

FOR ACCEPTANCE OF A GIFT/DONATION TO THE CITY

2. RESOLUTION 14-15 – COMMITTEE REPORT 25

GIFT TO THE CITY FROM THE NORTH SHORE LIFEGUARD ASSOCIATION.
Approving the acceptance of a gift to the city from the North Shore Lifeguard Association of a 2013 Polaris all-terrain vehicle valued at \$12,285.34 for use on the north shore of Oahu.

Administration/Others

Jim Howe, Chief, Ocean Safety and Lifeguard Services Division, Honolulu
Emergency Services Department (HESD)

There was no public testimony.

Chief Howe testified that the new vehicle, unlike the current all-terrain vehicles used by the Ocean Safety Division, allows for two-person operation and would help Ocean Safety personnel to patrol areas that do not have lifeguard stations.

Resolution 14-15 reported out for adoption.

AYES: ANDERSON, CHANG, HARIMOTO, PINE, FUKUNAGA – 5.

NOES: None.

Related communication:

D-29 Honolulu Emergency Services Department, transmitting
Resolution 14-15.

FOR ACTION

3. BILL 66 (2013)

ALARM SYSTEMS. Providing persons purchasing or leasing certain alarm systems with notification of the required alarm system permit.

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The following amendment was posted on the agenda:

PROPOSED CD1 TO BILL 66 (2013) – The CD1 (OCS/012214/01:40/YL) amends the language in Section 4 as follows:

“Sec. 41-42.____ Failure to provide written notification – Violation.

An alarm company that fails to provide written notification of the required permit to the alarm user under Section 41-42.2(a) shall be responsible for the payment of all fines and charges assessed to the alarm user under Section 41-42.7, provided that the citation or notice of violation is provided to the alarm company by the alarm user within 30 days of the notice or citation's issuance.”

Administration/Others

Major Thomas Nitta, Alarm Tracking Bureau, Honolulu Police Department
(HPD)

There was no public testimony.

Major Nitta testified in opposition to the Bill. The Major stated that an amendment to the current ordinance is unnecessary because less than one percent of users claim to be unaware of the current law. He further noted that almost all of the fines are partially waived or waived in full.

In response to the Committee Chair's request for further information, the Major stated that, in 2011, only 19 out of 4,295 users claimed to be unaware of the current law. Of the 19 fines assessed, 17 were waived in full and 2 were partially waived. In 2012, 51 out of 4,530 users claimed to be unaware of the current law. Of the 51 fines assessed, 37 were waived in full and 14 were partially waived.

Committee Chair Fukunaga recommended that Bill 66 be deferred to allow the Committee to confer with the introducer of the Bill.

Action on Bill 66 (2013) deferred.

AYES: ANDERSON, CHANG, HARIMOTO, PINE, FUKUNAGA – 5.
NOES: None.

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Related communication:

D-63 Honolulu Police Department (oppose)

4. BILL 8 (2014)

HOUSING CODE. Authorizing the City to remove nuisances outside of a home.

Administration/Others

George Atta, Director, Department of Planning and Permitting (DPP)

There was no public testimony.

Director Atta testified in support of the intent of the Bill but noted that the DPP has several major concerns regarding the provisions in the Bill. The Director commented that the Department does not have the funds, staff, or storage space needed to implement the provisions of the Bill. He further noted that there are legal issues regarding right of entry and the taking of private property.

In response to Committee Member Pine's questions regarding how such nuisances are currently addressed, Director Atta stated that currently, such cases are generally treated as standard Land Use Ordinance violations.

In response to Committee Member Harimoto's question regarding the threshold at which the Bill's provisions would be implemented, Director Atta stated that the Bill's provisions would probably be implemented only when public health and safety became an issue.

Committee Chair Fukunaga noted that the Department of the Corporation Counsel has also voiced some concerns regarding the Bill. She recommended that action on Bill 66 be deferred at this time.

Action on Bill 8 (2014) deferred.

AYES: ANDERSON, CHANG, HARIMOTO, PINE, FUKUNAGA – 5.
NOES: None.

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Related communications:

M-131	Leslie Kanaiaupuni (support)
M-132	Lucia You (oppose)

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:36 am.

Respectfully submitted,



BERNICE K. N. MAU
City Clerk

gym

DATE APPROVED

February 25, 2014